INDIANA LEGISLATURE,

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXIII of the Brevier Legislative reports.]

IN SENATE. TUESDAY, March 31, 1885. APPELLATE COURT.

The Senate resumed the consideration of the Five Judge Appellate Court bill [8, 373], the question being on the motion (Mr. Fowler's) to recommit with instructions, pending at the adjournment yesterday.

Mr. MAGEE resisted the motion, and contended that five Judges for such a court as the one proposed is none too many. Upon general principles, all agree there should be another Court. If this bill passes it will be eminently satisfactory to the Bar of the State, while the Supreme Court Commissioners have not been, because an intermediate court is imperatively demanded.

Mr. OVERSTREET: Realizing that the Supreme Court needs some relief, I should regret to vote against any such measure; but I think three Judges will be sufficient, and do more business than has the Commission of five Judges. I have no doubt but in a few years the number of the Supreme Court Judges will be increased to seven, and if this Appellate Court is made to consist of three we will have ten Judges.

Mr. FOWLER: I insist three Judges are sufficient. By sitting in bank they can do about the work of five Judges, and that is what this bill provides for. I think it was a stretch of constitutional power to create the Supreme Court Commissioners. No Appella'e Court will ever be on a plane with the Supreme Court, even were equal talent on both. It is the experience of legislation that when an office is created it can not be dispensed with. I will not vote for any court bill of this kind, but if this bill must pass let it pass with but three Judges.

Mr. YOUCHE: We are proposing to establish a court to mete out justice as between citizens that has no more stability than a statute of the State. When it comes to the courts there should be a firmer foucdation than a mere statute. A resolution has been introduced to increase the number of Supreme Judges, and if it passes the relief can be had in a little over two years. The pressure upon that court has been relieved. and we can well afford to wait two years tory court is sufficient reason for me to yote

The motion to recommit was rejected by yeas 16, Days 25. Mr. BROWN: I am opposed to the pas-

sage of the bill, but will vote "no" on this amendment.

Mr. FAULKNER: I am opposed to this bill, but if we have to have it let us take it in as small doses as possible. A few years ago Judge Buskirk did the business of the courts in three counties for \$1,500, and now it costs some \$7,500, and Judge Buskirk did the business of ten counties that now cost \$10,000. The increase in population and business does not justify this. I vote "aye" now, but will vote "no" on the whole business. Mr. FOULKE also would vote "aye" now,

but "no" when the bill came up on passage. Mr. McINTOSH: Before discussion I was in favor of but three Judges, after the speech of the Senator from Cass. I was almost inclined to favor five Judges, but after the sperch of the Senator from Lake I don't know but I am opposed to the bill. I vote "aye"

Mr. SMITH, of Jay: Judges are the guardian angels of the property and liberty of the people, and are the most poorly paid of all public servants. On the amendment I vote

Mr. YOUCHE: Should vote against the bill but for this amendment.

So the motion to recommit was rejected. On motion by Mr. WEIR the bill was ordered engrossed by yeas 20, nays 13. HUNTING ON UNTILLABLE LANDS.

The Senate proceeded to consider the special order-Mr. Weir's bill [8, 236], the question being on the motion (Mr. Macy's) to strike out Section 1.

Mr. WEIR was willing this amendment shall be made, as the second section was sufficient to accomplish the purpose desired. Mr. SMITH, of Jennings, regarded the bill as unconstitutional and in derogation of the

rights of property Mr. SMITH, of Jay: I think the first section ought to become a law. It is not the policy of the State to allow clubs or any person to hold large bodies of land to the exclusion of citizens of this State. I am in favor of a bill that will prevent the purchase of large tracts of lands to be held exclusively for hunting spurposes. I think it would be constitutional and a proper statute.

Mr. FOULKE: The principle of the bill is correct, but we ought not to apply that principle to take away rights already acquired, and in my opinion we can not do it. This thing has gone too far, and should be

Mr. WEIR: The people of my county are being frequently arrested because they have hunted on grounds belonging to a Chicago, Pittsburg and New York Club, or some gentleman of great fortune. This demands some remedy at the hands of the Legislature. Mr. CAMPBELL, of Hendricks: It seems

to me the object of this bill is to permit bunting on enclosed lands owned by others. I shall vote against this bill, but would vote for an amendment to the statute so as the principle may apply to lands not used for agricultural purposes. The owner of lands can use it for any purpose that is not im-

Mr. YOUCHE: This bill would affect my county very largely. I have my doubts about the constitutionality of this bill.

Mr. OVERSTREET: I don't think this bill can be amended so that the Legislature would or ought to pass it. The land up there is fit for nothing but duck and muskrat. I think when we come to the secret of this bill it is to protect sporting men in hucting on other men's land. They had better remain at home attending to business. It seems to me this bill ought to be voted down

at once. Mr. FOULKE moved to add a section excluding from the provisions of this bill all lands heretofore purchased.

Mr. FOWLER: I regard this bill as vicious and pernicious, and move to indefinitely costpone it and everything connected with it.

The motion was rejected by yeas 11, navs

Mr. Campbell, of Hendricks, voted "no" that a chance may be had to amend as he

Mr. FAULKNER: I don't think this bill ought to pass under any consideration. I think a man has just as much right to buy land to raise ducks or fish on as to raise anything else. I have a fish pond, and am afraid this bill would allow any one to take

fish from it. Mr. MAGEE: I am opposed to this bill, but refuse to vote for the indefinite post-

penement.

Mr. SMITH, of Jennings: I think the principle of the bill is right, but I think it is unconstitutional. If the statute of 1881, Sections 2,110 and 2,111, were amended the whole subject could be covered. I vote

Mr. ZIMMERMAN: In order to give the | that there be added to the appropriation | nays, 43,

poor man a chance to hunt and fish, I vote

So the motion was rejected. Mr. MACY offered a substitute bill.

Mr. HILLIGASS: The substitute does not reach the question, but virtually leaves the law as it now stands. The bill is the kind of law that ought to be passed.
On motion by Mr. WEIR the bill and substitute were recommitted.

GRAND JURY WITNESSES.

On motion by Mr. Benz, another vote was taken on his bill [8, 161] to authorize subpenas for witnesses to be issued in vacation to attend the Grand Jury, which heretofore failed to pass for want of a constitu-

tional majority.

The bill passed by yeas 26, nays 16,
Mr. WINTER, explaining: The effect of this bill will be that the fees will be charged to the county and paid out of the County Treasury.

Mr. YOUCHE: I believe the bill contains a good principle, but I believe it will enable the Sheriff to charge fees on every subpens issued, therefore I vote 'no" Mr. Duncan, of Brown, for similar reasons changed his vote.

So the bill passed.

DREVIER LEGISLATIVE REPORTS. On motion by Mr. BAILEY the bill [S. 336] to pay for Bravier Reports heretofore authorized, ordered, accepted and bound by the State, was taken up and passed by year 27, nays 14.

ENVELOPE BALLOT. On motion by Mr. MARSHALL his Envelope Ballot bill [8, 173] was read the third time and passed by year 26, nays 14.

AFTERNOON SESSION.

The Senate concurrent resolution proposing an amendment to the Constitution so that the Supreme Court shall consist of seven Judges was rejected by yeas 18, nays 18. Mr. BENZ: I am opposed to amending the Constitution, besides I think five Judges are enough. I vote "no."

CIRCUIT COURT DITCHING BILL, Mr. CAMPBELL, of St. Joseph, said there were provisions of the bill that he would like to support, but as the bill now stood it had contradictions and ambiguities and impractical features that would make it the cause of litigation and inoperative in its object of ditching. He thought that as the Drainage Commissioners are entirely under control of the Judge of the Court he ought to appoint and not the Board of County Commissioners. Section 1 provides removal by the Beard of Commissioners, while Section 7 permits the Court to remove. The two Commissioners first appointed shall give bond and may be objected to for cause, but no provision is made for the third Commisrioner to give bond or to be objected to, yet this Commissioner may have charge of the work and handle money. No provisions are made that assessment shall be ratably on the assessment as were the provisions of the old law. The provision requiring the contracts to be in divisions of not more than 100 feet is impractical and burdensome. Ditching must begin from the lower end. If a contractor must be impeded every 100 feet by some one who is slow, it would be very great detriment, it ought to require representation of at least one half the land to set aside a ditch by remonstrance. When an engineer other than the surveyor is appointed he should be required to turn his notes over to the surveyor for preservation. In keeping ditches open ten days is not long enough to give the surveyor, especially as he might have other work to do and could not get to the ditch, and the bill made him finable, besides, to pay the attorney fees of the plaintiff; and showing cause for neglect did not constitute a defense. He called attention to the ambiguity as to who should make assessments for clearing a ditch, and as to who should determine whether obstruction was the fault of the owner, and that the forms for application were left out of this bill which would compel the employment of an attorney.

Mr. MOON spoke in favor of the passage of the bill. Mr. MAGEE: This is in the nature of a domestic bill. It authorizes taking private property for public uses. Such a law must be arbitrary, and made so it can be enforced against any one individual who may object. There are some provisions in this bill I feel I must condemn by my vote. It is the duty of the Legislature to adopt laws that will develop the resources of the State. The great objection to this bill is that it will require an adjudication of every question that will come up under it. It is bad policy to change laws that the Supreme Court has adjudicated upon. Every question that could grow out of the present ditch law has been settled, and the friends of the bill have not shown where it is superior in all respects to the present law. It would incur a great expense to the people to litigate these new questions. If the present law is disturbed except to amend it where experience has shown it needs amendment, the whole system will be upset. These drainage laws have done more than any other to add to the wealth and prosperity of the State. The people have become familiar with them, and if another law is enacted the many questions will have to be readjudicated.

Mr. HILLIGASS: I am heartily in favor of this bill. Its object is to provide a better and an equitable system of drainage. But one objection has been made to this bill, except a general one. The interest of the people in the northern part of the State require the passage of this measure, as the present law has proved to be unsatisfactory.

Mr. YOUCHE: I signed the committee report with the statement if a bill must pass I would rather see this one, as amended, than the one that came from the House, but I should oppose this. The most serious objection is that a two-thirds remonstrance would defeat a ditch, though their aggregate amount of assessment may be only \$50, and while the aggregate amount on the other side may be \$5,000. There seems to be as dangerous notice required as possible. If by accident all lands are not included in the petition, the petitioners must again pay for serving notice. There are other objections

to this bill. Mr. CAMPAELL, of St. Joseph, moved that the bill be recommitted with instructions to report the present law, with the oravisions in this bill for appointment by Commissioners, for service of notice, and four

Mr. HILLIGASS: I hope tois motion will not prevail. I demand the previous

The Senate seconded the demand, and unders its operations the motion to recommit was rejected by yeas 15, navs 29.

The bill passed by yeas 32, nays 11. Mr. CAMPBELL, of St. Joseph: I believe the drainage of this State would be in a better condition if the present law were repealed than were this bill to pass.

Mr. DRAKE: I concede there are two or three objections to the present law, but this bill is so unjust and so unfair Lvote "no." Mr. MACY: I am satisfied that this bill would encourage litigation, and therefore I vote "no."

So the bill passed.

HOUSE OF REPRESENTATIVES. Tursday, March 31, 1885-9 a. m.

PURDUE UNIVERSITY. The SPEAKER: The unfinished business is the consideration of the amendment by the gentleman from Tippecanoe (Mr. Smith)

bill \$14 750 for new buildings for Pardue

University Mr. WILLIAMS: I move to amend by adding the words that no part of the money shall be used for salaries for the taculty. Mr. SMITH, of Tippecanoe: I accept the amendment.

Mr. DEEM: I offer as a substitute for the amendment that the sum be \$12,500 instead

Mr. SMITH, of Tippecanoe: I have been consistent on this floor in standing by all the State institutions. Long before the gentleman from Putnam (Mr. Gordon) had completed his college education Tippe-cance County had given more to Asbury University than any other county. I represent a noble people, who are no beggars. They had a proposition and submitted it to the State, and it was accepted. It has been said here by the gentle-man from Putnam (Mr. Gordon) that he would be willing to vote the whole property educational institution.

Mr. HAYDEN: I think too much time has already been taken up on this-nearly four days. If there is a man in Indiana who can make a success of Purdue, Professor Smart is that man. Connected with him is a competent set of men. A vast amount of money has already been spent there, and the ability of the faculty should be continued. Professor Smart said to me that the new buildings were needed. As it is, the students are compelled to work in the cellars.

The previous question was moved by Mr. HAYDEN, and being seconded by the House, under its operations the substitute for the amendment was adopted by yeas 68,

Mr. CORY, explaining his vote, said: was in favor of giving Purdue \$14,750; but as those nearest the institution seem willing to take \$12 000, I vote "aye." Mr. GARRISON: Of all the State institutions Purdue University is foremost. I vote

'aye" on this proposition. Mr. HAYDEN: The friends of the University are willing to take \$12,000, so I vote

Mr. HOBAN: The money seems to be needed, and it would not injure the State's Treasury to give this sum. I vote "aye." Mr. SMITH: The substitute was thrust upon me without my foreknowledge. But we will accept the sum and Tippecanoe

County will meet it. I vote "aye" Mr. ADAMS: I wish to change my vote, and doing so will explain. As some seem to be afraid that Pardue is likely to get a little money, and are fighting every inch to pre-

vent it, I vote "aye." The SPEAKER: After that remark I shall explain my yote, and I shall vote "no" on the proposition. If those buildings are needed the State should pay all of it. I am not an enemy to Pardue University. I do not believe in this thing of the State making an appropriation to extort money from any locality. It should pay the whole sum or

So the substitute was adopted. Mr. WILLIAMS moved to amend the substitute that the money should, if secured at ali, be taken in 100 days On motion by Mr. FLOYD the amend

ment was laid on, the table by aves 13, nave Mr. ADAMS, explaining his vote, said: This is a scheme to deteat the appropriation. An idea prevails that Tippscanos County

can not raise their part of the money in 100 Mr. REEVES: This amendment is unfair and I vote "ave." Mr. SMITH, of Tippecanoe: If Purdue

should not get a cent I will oppose this. I Mr. LOYD: That I may be recorded as not favoring a single dollar or a single cent

to Purdue I vote "no." So the amendment was laid on the table. On motion by Mr. SMITH, of Tippecanoe: I move the adoption of the amendea substi-

The motion was agreed to by yeas 68 nays 24. Mr. GOODING, explaining his vote, said Because of the compact between the State and the United States to support this institution; because it is a college for farmers and

mechanics, I vote "ave."

Mr. GORDON: Because there is no compact between the State and the United States regarding this; because it is not an agricultural college, I still have the courage to

Mr. HARRELL: Because the reports of the institution show that the management is violating the compact in not sustaining it as an agricultural college; because this money is wanted to extend an institution not an agricultural college, I vote "no."

Mr. MURPHY: Because I do not believe it is the province of legislation to go beyond the common schools, and because I believe this unjust to a majority of the taxpayers, I

vote "no." Mr. McBROOME: Because our people do not want this money appropriated, and because, though Warren County is within ten miles of Tippecanoe County, yet our children go to other colleges, I vote "no."

Mr. McGOVNEY: Because the people are already overburdened with taxation, and because this is not just, I vote "no." Mr. McHENRY: I see a chance to give Purdue at least a scant allowance. The educators are looking, not up to us, but down

mpon us. I vote "aye."
Mr. McMICHAEL: This is not a question of sentiment but of the taxpayer. It is an ontrage on the people of Tippscance County and of the State at large. I vote "no." Mr. TOWNSEND: Because I believe that the strength of a people depends upon its education, and because I believe that the more money we spend for educational insti-

tutions the less we will spend for prisons, I vote "aye. Mr. WILLIAMS: There are many reasons why I vote as I do. One reason is that the advocates of Purdue have defeated the amendment prohibiting the use of this appropriation for the payment of salaries to professors. I believe a part of this appropriation will be used for that purpose. They first told us that \$31,500 was the least amount

they would accept for building purposes, yet it is developed that they will take anything they can get. They want it for salaries, therefore I vote 'no.' So the substitut- was adopted. Mr. GORDON offered an amendment that the salaries of the President be \$2,500 and

that of the Professors \$1 500 per year. On motion by Mr. SMITH, of Tippecanoe, the motion was laid on the table by yeas 54, Mr. HAYDEN, explaining his vote, said:

Because the trustees should regulate the salary, and not the Stite, I vote "aye." Mr. ROBINSON: Though the salary of \$2,500 is reasonable enough, yet the trustees should regulate the salary. So I vote

Mr. STALEY: Because the trustees should by all means regulate the salary, I vote So the amendment was laid on the table.

On motion by Mr. McMULLEN the bill was ordered engrossed. OLEOMARGARINE. -Mr. SCHMIDT, from the Committee on Manufacturing, reported back the bill [8.

271] prohibiting the manufacture and sale

of oleomargarine, recommending that it be indefinitely postponed. Mr. REEVES moved to lay the report of the committee on the table. The motion was rejected - yeas, 43;

Mr. BEST, explaining his vote, said: It has been claimed that it is unconstitutional to prohibit the manufacture and sale of liquors; I vote "no."

Mr. GOODING: For the protection of those who are imposed upon at hotels by this I vote "aye."

Mr. KELLISON: For the reason that not one in a thousand would use oleomargarine, if they knew it, I vote "aye."
Mr. LOYD: Because I think that the bill can be so amended that it can be passed, I

yote "aye." Mr. MOCK: I do not believe in destroying one industry to build up another. But as I think that oleomargarine not healthful,

I vote "aye." Mr. MAUK: Because oleomargarine is as healthy as butter and as healthy as beef, I

Mr. MURPHY: Because bad butter is worse than oleomargarine, and because the latter is healthful, I vote "no." to Tippecanoe County. That can not be Mr. McGOVNEY: Oleomargarine is next done, for the State is pledged in its compact to and as pure as your beefsteaks. You can to the United States to support Paraue as an | not tell it when properly made. I vote

> Mr. McMICHAEL: In the northern part of the State is an important manufactory, which makes the best quality of oleomargarine. I do not believe in destroying that industry. I vote "no." Mr. PATTEN: It is made of putrid stuff,

mostly, and is unhealthful. I vote "aye." Mr. REEVES: Because there is a general demand for it, I vote "aye." Mr. SEARS: Because we have a statute

which says that no man shall sell it unless it is properly labeled, and because I believe in letting a man buy it if he chooses to, I vote "no." Mr. DEEM: For the reason that a large

number of my constituents have petitioned for the passage of this bill, and for the further reason that it is favorable to the farmers, dairymen and the sanitary interests of all the people, and for the further reason that oleomargarine is often manufactured from rotten tallow, rancid mutten suet and dead cholers hogs, impurities which no chemical analysis can determine, I most emphatically vote "aye."

The SPEAKER: I do not much like the bill as it is, but in response to the petition of my constituents I vote "aye." So the motion was rejected.

MRS. Tom Thume is to be married to Count Mayri on Easter Monday at the Church of the Holy Trinity in New York. Distinguished persons will be present. Miss Lucy Adams will act as bridesmaid, will Major Newell, the husband of the late Minnie Warren, will fill the position of bridegroom, After Mrs. General Tom Thumb's present engagement is finished she will start for Italy, where she will probably settle down for the remainder of her life. This little bit of a widow has mourned over her loneliness since Tommy died.

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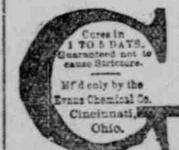
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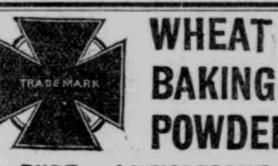
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